IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 21760 of 2007(M)

PETITIONER:

TOMY, S/O.THOMMEN, PLATHOTTAM HOUSE,
KAROOR P.O., PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.SAJAN MANNALI
SRI.M.P.JAYAKUMAR

RESPONDENTS:

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1. THE DEPUTY COLLECTOR (R.R), KOTTAYAM DISTRICT.

2. SHRI.P.T.MATHEW, S/O.THOMAS, THOTTATHIL HOUSE, POONJAR THEKKEKARA VILLAGE, KOTTAYAM DISTRICT.

3. THE DISTRICT COLLECTOR, KOTTAYAM DISTRICT.

4. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, TO THE REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

5. THE TAHSILDAR (R.R), PALA.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 21760 OF 2007 - M

Dated this the 20th day of July, 2007

J U D G M E N T

The petitioner has been proceeded against for recovery of arrears of abkari dues. The petitioner's property has been notified for sale under the Revenue Recovery Act. The petitioner is challenging that proceedings. The contention of the petitioner is that at the time of issue of licence, a solvency certificate has been produced by the licensees in which certain properties have been given as solvency properties. The petitioner's contention in this writ petition is that before proceeding against the solvency properties, respondents 1,3 and 5 are proceeding against the other properties which is illegal.

2. The learned Government Pleader, on instructions, submits that solvency properties have been sold and that such properties comprise of a three storied building in which there are more than 30 tenants and they are to be evicted before proceeding against the property. The petitioner has not stated anything about these matters

in the writ petition.

3. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction in favour of the petitioner and the writ petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007